

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

MARIE M. CALIXTE,

Petitioner

v.

JOHN ASHCROFT, ET AL.

Respondents

2004 APR -5 P 3:21

Civil Action No.  
04cv10457-MLW  
U.S. ATTORNEY'S OFFICE

MOTION TO DISMISS

Respondent<sup>1</sup> moves to dismiss this action pursuant to Fed. R. Civ. P. rule 12(b) (6) for failure to state a claim upon which relief may be granted.

Respectfully submitted,

MICHAEL J. SULLIVAN  
United States Attorney

By:

FRANK CROWLEY  
Special Assistant U.S. Attorney  
Department of Homeland Security  
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Boston, MA 02114  
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<sup>1</sup> As of a DHS restructuring effective June 9, 2003, the responsive successor official of the Department of Homeland Security having control of petitioner's immigration custody in the instant action is Bruce Chadbourne, Field Director for Detention and Removal, Bureau of Immigration and Customs Enforcement ("ICE") in Boston, Massachusetts.

CERTIFICATE OF SERVICE

I hereby certify that I caused true copy of the above document to be served upon pro se petitioner by mail on April 5, 2004.

  
FRANK CROWLEY  
Special Assistant U.S. Attorney  
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